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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

SUMMARY RECORD OF THE 644th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 19 September 2000, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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GE.00-44550 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Finland (CRC/C/70/Add.3; HRI/CORE/1/Add.59/Rev.2; written replies of the Government of Finland to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the Finnish delegation took places at the Committee table.

2. Ms. SIITARI-VANNE (Finland) said that since the Åland Islands were an autonomous province with legislative powers, international conventions ratified by Finland applied there only if the province's legislative assembly gave its consent for their entry into force.

3. Ms. LINDROOS (Finland) said that the ILO Migrant Workers Convention had not yet been ratified by Finland, but the Government was currently considering the preconditions for its ratification.

4. Ms. TAIPALE (Finland) drew attention to the fact that the work done for children had made necessary some coordination in the field, particularly in small municipalities, even when it was not formalized. The Government had submitted a report to Parliament on the national children's policy, in which reference was made to the main principles of the Convention. One of the mainstays of the plan of action currently under way for 2000-2003 addressed children and their specific needs, and the Government was making efforts to support the implementation of policies adopted by the local authorities. Many stakeholders were involved in the protection of children, and the coordination was provided not by a single mechanism, but by several coordinating bodies. Despite their efforts, however, the follow-up of measures and activities could be improved. There had been no appropriation in the coming year's budget for the establishment of a post of ombudsman, but that question was currently being considered.

5. Addressing the question on the nomenclature in administrative services, she said that certain bodies had been merged during the most recent administrative reform. Consequently, the administrative unit responsible for family and children's affairs had been integrated into a larger body in charge of social protection and health services and policy.

6. Mr. HEIKKILA (Finland) pointed out that in 1998 the number of mothers who had stopped working to benefit from the allowance paid by the State to mothers who cared for their children at home had increased, and the corresponding decline in income could in part account for the increase in the proportion of persons under 18 living below the poverty line, as indicated in the most recent statistics. The reduction of family allowances for its part helped to explain why in the 1990s it was the disposable income of families with children that had declined most heavily. The national statistics did not group all children aged under 15 in the same category. The current system made it possible to give a breakdown of children by age group of five or less years.

7. As for the impact of research on policies, several studies containing information collected directly from children had been published recently, and decision-makers therefore had specific data on the everyday problems faced by children.

8. Ms. LINDROOS (Finland) emphasized that the National Youth Council, which comprised some 100 associations, was very active and was constantly developing its activities, which ranged from the training of local youth social workers to the publication of periodicals and the setting up of a specialized Web site. The National Education Council produced informational material on the Convention and funded other bodies engaged in such activities. The Association of Finnish Local and Regional Authorities played an important role in that field, producing informational material for use at schools. Another important means of informing children about the Convention consisted in using school curricula. Steps had already been taken to bring them up to date in that regard.

9. Many measures had been instituted in education, including through legislation, to take account of children's opinions and encourage students of all ages to become more involved in their schooling. Performance evaluation was central to that effort. It was intended to be more interactive, and certain schools were even attempting to develop self-evaluation. A serious effort was being made to promote dialogue between teachers, students and parents. Some of the projects currently being implemented, the most important of which was the "Learning to Learn" project, were aimed at broadening the role of teachers, supporting them with other children-related professionals and encouraging students to play an active role. The national development plan for 1999-2004 also called for measures towards that end.

10. Ms. TAIPALE (Finland) pointed out that the number of children killed in accidents had fallen in recent years, while the number hospitalized owing to injury had risen. Finland took part, inter alia, in the European Union's accident prevention programme, emphasizing road safety, helmets for cyclists, precautions against drowning and poisoning, and product safety. Most accidents affecting children in Finland took place outside the home.

11. Ms. SIITARI-VANNE (Finland) said that the bill on artificial insemination to be submitted to Parliament in 2001 called for records to be kept permanently with the name of the donor (subject to his consent) and a personal description written by the donor himself. The donor could remain anonymous for as long as he lived. Upon turning 18, the child would have the right to try to enter into contact with him through the competent services.

12. The criteria for determining a child's name were the following: if the mother was single, the child bore her name. If the father recognized the child at birth, the child bore the father's name. If the parents had the same family name, the child would have that name. If each had a patronymic, they could choose the one the child would bear, provided the child's siblings would share the same name. The child's name could in no case be changed without his or her consent if he or she was over 12, and under that age the child's opinion was taken into consideration.

13. Ms. HEILIO (Finland) stressed that the number of children placed in care was small compared with the total number receiving assistance. The procedure for assessing those children's family situation involved all of the criteria established in article 1 of the Child Custody and Right of Access Act, founded on the principle of the best interests of the child.

The social workers, psychologists and psychiatrists involved in the assessment were expected to take those criteria into account. A study on the protection of children placed outside a family environment had nevertheless shown that parental rights usually took precedence over the interests of the child.

14. Mr. HEIKKILA (Finland) said that his country had a standing committee responsible for matters concerning the Roma and measures to promote their integration fell into five broad categories: housing assistance, enrolment of children in nursery school, the fight against dropping out of school, adult vocational training, and promotion of the Roma language and culture. Significant progress had been made in the last category, and classes were currently available in Roma grammar, literature and language.

15. Ms. RILANTONO inquired what measures were being taken to stop the production and dissemination of pornographic material for paedophiles. Regarding mental health, would it be possible for prevention programmes to target the escalating problems by concentrating on the family environment? Also, what was Finland doing to remedy the shortage of staff specialized in the treatment of children suffering from mental illness? Lastly, were steps being taken to mitigate the effects of the shortage of Roma language books and teachers, and to promote instruction of Roma children?

16. Mr. FULCI observed that, despite the Committee's recommendation in 1996, Finland had not adopted all the necessary measures to prevent mentally-ill children from being placed in the same wards as adults and that, according to the assistant to the Parliamentary Ombudsman, psychiatric treatment was administered unlawfully. It would be useful if the delegation could clarify those points.

17. It had been indicated in the written replies that about one quarter of 14-18-year-olds probably used drugs at least once a month. One might therefore ask why the youth welfare services appeared unable to cope with the situation and whether measures had been taken to fight that scourge.

18. Mr. DOEK, remarking that child suicide prevention measures particularly targeted very young children, asked what happened to adolescents and how long the children in question were monitored. On the subject of ill-treatment, was it already possible to assess the effectiveness of the programme to combat domestic violence against women and children? Did the Finnish Government envisage setting up, as suggested by the Central Child Welfare Union, multidisciplinary centres for education on sexual abuse and treatment of victims?

19. He wished to know to what extent the principles set forth in the Charter of the European Association for Children in Hospital were followed in Finland, since, according to some accounts, young patients were not separated from adults in Finnish hospitals, paediatric services had been or were about to be closed down, and children suffering from chronic ailments received no school or pre-school education. He would be grateful for some additional information.

20. Mr. RABAH asked why the number of children removed from their families was on the increase and whether solutions were being considered to halt that trend. On the subject of child abduction, he would like to know whether Finland had signed bilateral agreements with other

countries containing humanitarian provisions on behalf of parents. Regarding adoption, was it a court that made the decisions, and what was the procedure? Were there any correctional centres for young offenders? If so, what rehabilitation methods were used?

21. Ms. KARP requested further information on strategies for the exercise of a child's right to development, which was directly linked to adolescent mental health. Given the change in the composition of the population in recent years with the arrival of immigrants and refugees, she wondered whether the campaign to eliminate corporal punishment was continuing and, if so, whether it was conducted in tandem with the campaign against domestic violence. She would also like to know the findings of the research on discrimination against women mentioned in the report. With regard to children's right to express their views in decisions concerning them, why had the mosaic of special provisions not yet been replaced by a general provision?

22. Ms. MOKHUANE asked for clarification concerning family welfare programmes. The report did not specify exactly which illnesses were referred to in connection with the withdrawal of custody from mentally-ill parents. In fact, only certain mental illnesses really justified placement in a foster family, and it was in the child's interest to preserve emotional ties with the parents. Was that interest taken into consideration in the case of infants? Furthermore, did not forced sterilization of mentally handicapped women conflict with the right to non-discrimination enshrined in the Convention?

23. Ms. SARDENBERG noted that there was only one man, a teacher and researcher, in the Finnish delegation. That seemed to bear out the observation of the Committee on the Elimination of Discrimination against Women that in Finland girls were encouraged to move towards fields traditionally considered to be reserved for women, while men were destined for science and research. In addition to those stated in the report, was the Government taking any initiatives in the field of education to guarantee girls the same opportunities as boys?

24. She would like to know whether a mechanism for detecting domestic violence existed, since, according to the report, such violence was a disturbing problem in Finland. She also asked whether parallel research was being conducted on that subject and on violence against women.

25. Mr. DOEK asked for further information on pre-trial detention of minors: what discretionary powers did the police enjoy, what role did the public prosecutor play, and what was the maximum duration of such detention? Were all cases to be decided by a judge?

26. Ms. KARP, recalling that four committees had recommended that Finland should create an independent body to investigate police brutality, asked whether measures had been adopted to that end.

27. Ms. TAIPALE (Finland), referring to the mental health of children, said that the number of cases of psychosomatic diseases had increased among young children and adolescents in relation to 1970. Psychotic illnesses were extremely rare among children, and most disorders could be treated in outpatient clinics. Finland ranked third in the world for the ratio of child psychiatrists to population, and yet there appeared to be a lack of specialists on the ground, doubtless because of misuse of qualified human resources.

28. The Ministry of Health had requested district hospitals to report to it all cases in which children had not been separated from adults in health units and was closely monitoring the five hospitals reported. Finland was a member of the European Association for Children in Hospital, whose principles had been disseminated to paediatric units 10 years previously. Some paediatric services had been closed down owing to surplus capacity. There had been no restriction on the times and duration of parental visits to children in hospital since the 1970s.

29. In Finland alcohol abuse, especially among young people, was a very disturbing problem. Many people drank for the sole purpose of becoming drunk, a problem rooted in climate and culture. Every effort had been made to combat that scourge, but the State had achieved good results only in its fight against smoking, for instance.

30. So far young people had shown little interest in narcotics and other illicit drugs, but the situation was changing with drug traffickers' attempts to develop the Finnish market. The Government was doing everything in its power to prevent the situation from deteriorating and to avoid the mistakes made by other countries, even though the political parties did not always agree on the appropriate policy.

31. Ms. HEILIO (Finland) explained that any couple wishing to adopt a child was required to consult beforehand the social welfare department of the municipalities or certain NGOs certified by the authorities, which were responsible for determining whether candidates were really in a position to look after a child. Adoption decisions were taken by the courts.

32. The Government intended to amend the legislation on child protection in the near future in order to make treatment compulsory for parents who, because of their propensity to alcoholism or drug abuse, endangered their children's lives. That law would also provide for measures to safeguard the rights of children for the duration of such treatment.

33. In recent years, new methods had been perfected for helping mothers in difficulty to establish a relationship with their young children. However, for psychiatric or other reasons connected with drug abuse or alcoholism, a mother might not be in a position to take care of her child, who must then, in its best interests, be entrusted to a foster family: the child then became attached to the family, making it difficult for the child to return to its original family. In any event, it was the best interests of the child that must prevail in any decision concerning it.

34. Ms. SARVANTO (Finland) said that, to her knowledge, only four children had been abducted in Finland by their fathers or mothers to be taken to Russia. Even in the absence of any new affair of that kind in recent years, Finland had started negotiations with the Russian Federation with a view to including provisions concerning child abduction in bilateral treaties between the two countries. Finland planned to open talks on that subject with other countries, including certain North African countries. Since December 1999 a brochure on international abduction of children had also been circulated to help parents, judges and the police forestall such abductions and react appropriately in such an eventuality.

35. Ms. SIITARI-VANNE (Finland) explained that the production, distribution and possession of pornographic material for paedophiles had been punishable under criminal law since 1999. A new law on censorship of pornographic films and books, which was soon to enter into force, provided among other things for the competent authorities to establish at what age a child would be authorized to see a particular film.

36. On the subject of juvenile offenders, in September 2000 there were 11 prisoners under 18 - all male - in Finnish prisons; 7 of them were awaiting trial and the other 4 had been sentenced. An alternative penalty was imposed whenever possible. Minors sentenced to a prison term were placed in a facility for young offenders. Detention of young offenders awaiting trial lasted one month on average. The public prosecutor could still decide, not to prosecute a young offender, especially for a minor offence.

37. Ms. LINDROOS (Finland) said that all children in hospitals received education suited to their situation, and the respective syllabus was devised in collaboration with their parents, teachers and hospital staff. The Ministry of Education intended to introduce a health education course in pre-primary and primary education, as in secondary education.

38. Children of Roma immigrants received special education, imparted partly in their own language; selections of texts and grammar books had been prepared for the purpose, and training had been provided for teachers familiar with Roma language and culture. Lastly, the booklet "Roma students in school" was intended to familiarize teachers with Roma culture.

39. Mr. HEIKKILA (Finland) stressed that a variety of measures had been taken to encourage girls to show more interest in certain subjects and to increase the proportion of girls among mathematics, physics and chemistry students to over 40 per cent by 2002.

40. The vast majority of social workers, teachers and health care personnel were women. The Government had recently created a special committee to look into the consequences of that situation, since social workers played an important role in awarding custody of children in separation or divorce cases. The question was whether the fact that there were far more women might not influence their decisions.

41. Ms. TAIPALE (Finland) said that under the legislation concerning disabled persons, recognition of the handicap did not necessarily depend on a medical diagnosis. The assistance needed by a disabled person depended partly on the environment in which that person lived, and partly on his or her functional capabilities. Certain services nevertheless, required a medical diagnosis, especially treatment of a sick or disabled child. It should be pointed out that Finnish legislation relating to sick children was extremely complex and efforts might be needed to explain it to parents. In any event, families with sick or disabled children received considerable support.

42. Sterilization of mentally-retarded individuals had indeed taken place in the 1940s and 1950s, and in isolated cases even in the 1960s, but the law now prohibited that practice; assistance on sexual matters, including contraception, could be provided where necessary to such persons.

43. With regard to separation from parents suffering from psychiatric disorders, any decision depended on the seriousness of the depression and the psychiatric background of the parent in question. In some cases, such as post-partum depression, the mother could be treated without losing custody of her child. Finland had also elaborated programmes describing for children the symptoms of the disorder suffered by their parents, allowing them better to understand their behaviour. In that way a link was created between parents and children and the family remained intact. If, on the other hand, the parent became violent, the best interests of the child dictated its separation from the family.

44. On the subject of corporal punishment, various opinion polls had shown that some 8 per cent of children had been victims of violence. Violence against women also existed. Numerous information campaigns had therefore been organized to sensitize the public, social workers, the police and the medical profession to the problem. A variety of programmes had been undertaken to assist women victims of such violence.

45. A set of measures had been taken to combat commercial sexual exploitation of children, especially via the Internet. The State particularly assisted Internet access providers in defining their own code of conduct in that area.. The importance of the medical profession's role in investigations of cases of presumed sexual abuse could not be overemphasized. The primary health care system was already fully computerized and practitioners had at their disposal a CD-ROM on good practices in the treatment of sick children, into which there were plans to incorporate a module on investigation mechanisms for cases of sexual abuse.

46. Ms. HEILIO (Finland) explained that the newly adopted Act on the Status and Rights of Clients Using Social Welfare Services authorized social workers, hitherto bound to professional secrecy, to disclose to the police any violent behaviour they were aware of and to testify before the courts in such cases. That provision targeted only the most serious cases; in others priority was accorded to education and training. Following a meeting devoted to sexual abuse of minors and to the relevant investigation and reporting mechanisms, attended by police officers, judges, social workers and child psychiatrists, Finland had decided to set up a specialist group to define a regulatory framework for the reporting procedure.

47. The provisions of article 12 of the Convention had been transposed into domestic law, since the article of the Constitution provided that children had to be heard and their views duly taken into account, according to their maturity. On the subject of health, section 7 of the Act on the status and rights of patients also embodied the right of minors to be heard and to express their views - their level of maturity permitting - on the treatment intended for them. That same law further recognized the right of minors to refuse to allow information about their state of health to be disclosed to their legal representatives, in accordance with article 16 of the Convention, which protected a child from interference with his or her privacy.

48. Ms. LINDROOS (Finland) pointed out that the school safety committee had recently published a report on violence and attacks on children and adolescents at school. That report was currently under consideration and its conclusions should result in an amendment of the legislation in force. To address the violence their children faced on a daily basis in the small Finnish village of Laukaa, parents had mobilized themselves and launched an educational project designed to inculcate good manners and decent language in children, in order to avoid

playground brawls and teach them not to steal, without punishing them. By so doing they hoped to prevent their children from committing more serious offences. Now a pilot project, the Laukaa scheme was being replicated in several of the country's municipalities.

49. Finland had a high proportion of women teachers, and attempts were currently under way to reverse that trend with a vast training programme that envisaged the creation of numerous posts; men were being encouraged to consider a career in teaching.

50. Mr. DOEK asked whether a child's age was taken into account before the child was removed from parental custody. After the age of six months, placement in a foster family and eventual return to the biological family might well be profoundly traumatic for children.

51. On the subject of sexual abuse and neglect, experience had shown that granting health professionals the right to report ill-treatment did not change a great deal. It was important for them to be able to do so, but they also had to be protected from civil or criminal prosecution. Even in good faith, doctors often preferred not to report presumed cases for fear of prosecution.

52. Ms. SARDENBERG noted that most of the problems experienced by Finland - the situation of Roma and Sami children, refugees, inequality between the sexes in education, the preponderance of female teachers and so on - could probably be attenuated through integrated action in a holistic approach to the Convention. She therefore encouraged the Finnish Government to formulate a national children's strategy based on the principles contained in article 2 of the Convention.

53. Ms. KARP endorsed Mr. Doek's remarks concerning the reporting of cases of sexual abuse; it would be preferable for the social services rather than the police to be approached, since the initiation of a police investigation could have serious repercussions on family unity.

54. Turning to the new methods of instruction that placed dialogue before authority, she said that school teachers and principals should be helped to adapt to new education methods through the creation of special facilities. The same principle could be applied in the field of justice, especially concerning attention to the views of children. After consultation with experts - including health professionals and jurists - Finland should consider creating instruments in the form of protocols, for instance, for the implementation of the Convention in that respect.

55. Ms. RILANTONO read out the Committee's draft concluding observations.

56. The CHAIRPERSON thanked Finland, on behalf of the Committee, for ratifying the amendment to article 43 of the Convention.

The meeting rose at 6 p.m.